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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN E. LEPLEY,

Plaintiff,

vs.

ROBERT LeGRAND, *et al.*,

Defendants.

3:11-cv-00781-ECR-WGC

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On April 23, 2012, the court issued an order deferring the ruling on plaintiff's motions to proceed *in forma pauperis*, screening plaintiff's second amended complaint, and staying this case for ninety days. (ECF No. 32.) On July 23, 2012, at the expiration of the stay, defendants informed the court that the parties have not reached a settlement. (ECF No. 46.) Accordingly, the court addresses plaintiff's motions to proceed *in forma pauperis*. (ECF Nos. 1, 6.) Based on the financial information provided, the court finds that plaintiff is unable to prepay the full filing fee in this matter.

IT IS ORDERED as follows:

1. Plaintiff's first motion to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**;

1 plaintiff shall not be required to pay an initial installment of the filing fee. In the event
2 that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C.
3 § 1915(b)(2). Plaintiff's second motion to proceed *in forma pauperis* (ECF No. 6) is
4 **DENIED as moot.**

5 2. The movant herein is permitted to maintain this action to conclusion without the
6 necessity of prepayment of any additional fees or costs or the giving of security therefor.
7 This order granting leave to proceed *in forma pauperis* shall not extend to the issuance
8 of subpoenas at government expense.

9 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to
10 the Clerk of the United States District Court, District of Nevada, 20% of the preceding
11 month's deposits to plaintiff's account (inmate #82018), in the months that the account
12 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk
13 of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's
14 Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of
15 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City,
16 NV 89702.

17 4. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's
18 second amended complaint and addendum (ECF Nos. 27, 28) on the Office of the
19 Attorney General of the State of Nevada, attention Pamela Sharp.

20 5. The Attorney General's Office shall advise the court within **twenty-one (21) days** of the
21 date of the entry of this order whether it can accept service of process for the named
22 defendants. As to any of the named defendants for which the Attorney General's Office
23 cannot accept service, the Office shall file, *under seal*, the last known address(es) of
24 those defendant(s).

25 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
26 motion identifying the unserved defendant(s), requesting issuance of a summons, and

specifying a full name and address for said defendant(s).

7. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint within **sixty (60) days** from the date of this order.

8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, the plaintiff shall direct service to the individual attorney named in the notice of appearance, at the address stated therein. The court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

IT IS SO ORDERED.

DATED: July 26, 2012.


UNITED STATES MAGISTRATE JUDGE